

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

MELLVE SHAHID, et al., )  
 )  
 Plaintiffs, )  
 )  
 vs. ) Case No. 4:12CV900 CDP  
 )  
 )  
 US BANCORP, et al., )  
 )  
 )  
 Defendants. )

## MEMORANDUM AND ORDER

This matter is before me on the City of Florissant’s motion to reconsider yesterday’s Order granting plaintiffs’ motion to dismiss without prejudice. Whether to grant a dismissal under Fed. R. Civ. P. 41(a)(2) is, as defendant acknowledges, within my sound discretion. Here, defendant argues that I should amend the dismissal to be with prejudice because they have a pending motion to dismiss and have “expended significant effort” in this case. However, defendant has failed to specify what efforts they have undertaken in defense of this case other than filing a barebones motion to dismiss. Given the age of this case and the stage of the proceedings, I continue to believe that a dismissal without prejudice is proper and within the interests of justice.

Accordingly,

**IT IS HEREBY ORDERED** that defendant's motion for reconsideration [#45] is denied.

Catherine D. Perry  
CATHERINE D. PERRY  
UNITED STATES DISTRICT JUDGE

Dated this 28th day of February, 2013.